

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Search Warrant Executed on
November 5, 2021

Case No.: 21 Misc. 813 (AT)

In re Search Warrant Executed on
November 3, 2021

Case No.: 21 Misc. 819 (AT)

In re Search Warrant Executed on
November 3, 2021

Case No.: 21 Misc. 825 (AT)

**REPORT AND RECOMMENDATION
OF THE SPECIAL MASTER**

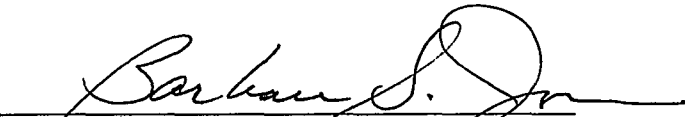
By Order dated December 8, 2021 (the “Order”), the Court appointed me as Special Master in each of the above-captioned matters to determine what materials seized by the Government are responsive to the search warrants, as well as to rule on any privilege objections raised by the parties following review of responsive materials by the Government’s filter team. The Order requires that I confer with the parties “regarding compensation and expenses” and that I “shall submit a proposal for the Court’s approval as to the procedures for paying the Special Master’s compensation and expenses.” Order at 4. This Report and Recommendation constitutes my proposal for the payment of my compensation and expenses.

I held a videoconference with the parties on December 14, 2021, during which we discussed my compensation and expenses, as well as the process for my review of the seized materials. While the parties have no objection to my hourly rate, as well as the rates charged by other lawyers at my firm who are likely to assist me, the parties do not agree as to how the Special Master’s fees and expenses will be allocated. The Government and petitioners each take the position that the entirety of my fees should be paid by the other.

Having carefully considered the parties' positions, I propose that the petitioners should together be responsible for the payment of 50% of the Special Master's compensation and expenses, while the Government should be responsible for the remaining 50%. Barring any other arrangement among the petitioners, they should each be responsible for one third of their 50% share. This arrangement is consistent with Fed. R. Civ. P. 53(g)(3), as well as prior special master assignments. *See, e.g., Cohen v. United States*, No. 18-MJ-3161 (KMW) (S.D.N.Y. June 13, 2018) (Order setting special master compensation) (Dkt. No. 79); *see also United States v. The Premises Known as 10621 Civic Center Drive, Rancho Cucamonga, California*, No. 5:11-cv-01570-SJO (C.D. Cal. October 31, 2011) (Ordering that special master compensation be paid in equal parts by petitioner and Government).

I further propose that I will submit itemized invoices to the parties each month. The parties will have a five-day period in which to review and comment on my invoices, after which I will submit a final itemized statement to the Court. If the Court determines the statement is reasonable, and directs the parties to pay the amount set forth in my statement, the parties shall then remit the allocated amounts to the Special Master no later than 30 calendar days following Court approval.

Dated: New York, New York
December 16, 2021


HON. BARBARA S. JONES (Ret.)

DM-#8171890